



ATTORNEY'S DOCKET NO. H0659/7008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steffen Leonhardt et al  
Serial No: 09/917,232  
Filed: July 26, 2001  
For: NON-INVASIVE METHOD FOR OPTIMIZING THE RESPIRATION  
OF ATELECTATIC LUNGS

Examiner: unk.  
Art Unit: 1635

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- [x] Information Disclosure Statement
- [x] Form PTO-1449 and References
- [x] Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$0 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

I HEREBY CERTIFY THAT THIS  
CORRESPONDENCE IS DEPOSITED WITH THE  
UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO:  
ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, DC 20231, ON

OCT 16, 2001  
DATE

William R. McClellan

William R. McClellan

William R. McClellan  
Reg. No. 29,409  
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Docket No. H0659/7008  
October , 2001  
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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 16 day of October, 2001.

William R. McClellan

William R. McClellan, Reg. No. : 29,409

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

A. ☒ This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

PTA

☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

PART II: Information Cited

A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

A copy of a Search Report in a counterpart International Application is enclosed.

B. ☒ The Applicant hereby makes the following additional information of record in the above-identified application.

1. ☒ **The above-identified U.S. application claims priority to application Serial No. PCT/EP00/00685. If the Examiner has not had the benefit of review of the file history of PCT/EP00/00685, then he/she is asked to contact the undersigned, who will provide a copy of same.**
2. ☐ **The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:**

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
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[NOTE - Must provide a copy of any pending U.S. application, even if it was previously submitted to the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

**Documents cited on the attached form PTO-1449 (modified)** are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Steffen Leonardt et al., Applicant(s)*

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Docket No. H0659/7008  
Dated: October 16, 2001  
**xndd**